

REMARKS

I. Status of the Application

Claims 1, 2, 4, 6-11, 13 and 15-20 were pending in this application prior to this amendment. With this amendment, claims 1, 4, 10 and 13 have been amended. No new matter has been introduced. Claims 2 and 11 are hereby cancelled without prejudice or disclaimer of any subject matter.

II. Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 8, 10, 11, 13, 17 and 19-20 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP 2001-218194 to Kawai (hereafter, "Kawai") in view of US 2002/0077136 to Maggenti, et al. (hereafter, "Maggenti").

Claims 6, 7, 9, 15, 16 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kawai in view of Maggenti and further in view of U.S. Patent No. 6,271,752 to Vaio (hereafter, "Vaio").

Applicants respectfully request reconsideration of the pending claims in view of the amendments now presented herein. For example, independent claim 10 has been amended for further clarification to recite:

"An image delivery apparatus that delivers images acquired from an image pickup apparatus to at least one of external devices, the image pickup apparatus being remotely controllable by the external devices, the image delivery apparatus comprising:

a data storage medium that stores **a schedule which includes a set of control data to control the image pickup apparatus and a priority level of the schedule;**

a schedule execution unit that starts control of the image pickup apparatus based on the schedule;

a comparison unit that compares, in a case where a request for remotely controlling the image pickup apparatus is received from one of the external devices when the image pickup apparatus is controlled based on the schedule, a priority level of the requesting external device with the priority level of the schedule including the set of control data used at the time when the request is received;

a restriction unit that inhibits remote control of the image pickup apparatus by the requesting external device if the priority level of the schedule is

higher than the priority level of the requesting external device as a comparison result; and

a control unit that executes the remote control of the image pickup apparatus by the requesting external device if the priority level of the schedule is lower than the priority level of the requesting external device as a comparison result.” (emphasis added)

Applicants respectfully submit that none of the cited references (i.e., Kawai, Maggenti and Vaio) either taken alone or in combination, teach or suggest at least “a comparison unit that compares, in a case where a request for remotely controlling the image pickup apparatus is received from one of the external devices when the image pickup apparatus is controlled based on the schedule, a priority level of the requesting external device with the priority level of the schedule including the set of control data used at the time when the request is received”, as required by at least independent claim 10. Amended independent claim 1 recites similar features to independent claim 10 as described herein.

The Office Action concedes on page three that:

Kawai, however, fails to explicitly disclose a comparison unit that compares, in a case where a request for remotely controlling the image pickup apparatus is received from one of the external devices when the image pickup apparatus is controlled based on the schedule, a priority level of the requesting external device with the priority level of the set of control data used at the time when the request is received. In addition, Kawai fails to explicitly disclose a restriction unit that inhibits remote control of the image pickup apparatus by the requesting external device if the priority level of the set of control data is higher than the priority level of the requesting external device as a comparison result, and a control unit that executes the remote control of the image pickup apparatus by the requesting external device if the priority level of the set of control data is lower than the priority level of the requesting external device as a comparison result.

The Office Action further states that “the concept and the advantage of comparing priority levels of a first and second device, and ‘granting floor control to the second communication if the second communication device has a higher or equal priority level’, as evidenced by Maggenti”.

Maggenti relates to arbitrating between a first communication device having floor control in a group communication network and a second communication device competing for floor control. The method provides receiving a floor-control request from the second

communication device, comparing respective priority levels of the first communication device and the second communication device, and granting floor control to the second communication device if the second communication device has a higher or equal priority level.

By contrast, the claimed invention “compares, in a case where a request for remotely controlling the image pickup apparatus is received from one of the external devices when the image pickup apparatus is controlled based on the schedule, a priority level of the requesting external device with the priority level of the schedule including the set of control data used at the time when the request is received.”

Maggenti does not teach or suggest controlling an image pickup apparatus based on a schedule and comparing a priority level of the requesting external device with the priority level of the schedule.

The claimed invention compares the priority level of the requesting external device with the priority level of the schedule including a set of control data used at the time the request is received. The request is then allowed or inhibited based on the comparison result as described in amended claim 10.

To illustrate by way of example, consider a security camera which is controlled based on a schedule and a security guard notices a suspicious character on his monitor. The guard’s computer, which has been set in advance to a level higher than the level of the schedule, can control the camera to follow, zoom in, etc. on the suspicious character in order to gather information on the suspicious character.

Furthermore, Vaios, which is relied upon to teach transmitting video data to a computer system after a motion sensor is activated, fails to cure the deficiencies of Maggenti and Kawai as discussed above.

In view of the above, amended independent claim 10 is believed distinguishable over the cited references (i.e., Kawai, Maggenti and Vaios) for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1 and 10 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above.

However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicants have not specifically addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend, either directly or indirectly, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that the application as amended is in condition for allowance and such action is respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

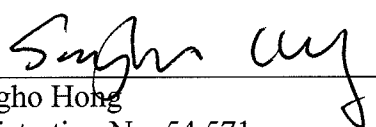
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. **1232-5164**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No **13-4500**, Order No. **1232-5164**. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: April 10, 2008

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